

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

MARCUS LEE COCKERHAM,

Plaintiff,

v.

CIVIL ACTION NO. 5:07-cv-00155

JAMES RUBENSTEIN, et al.,

Defendants.

JUDGMENT ORDER

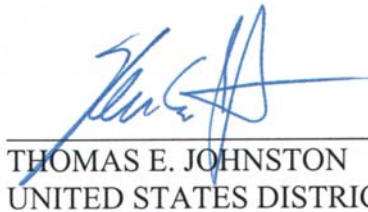
By Standing Order entered on August 1, 2006, and filed in this case on March 14, 2007, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R on January 11, 2008 [Docket 8]. In that filing, the magistrate judge recommended that this Court deny Plaintiff's Application to Proceed *in forma pauperis* [Docket 2], and Motion for Preliminary Injunction [Docket 5], dismiss Plaintiff's Complaint [Docket 1], and remove this matter from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were

due by January 29, 2008, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Having reviewed the PF&R filed by Magistrate Judge VanDervort, the Court **ADOPTS** the recommendations contained therein. Accordingly, the Court hereby **DENIES** Plaintiff's Application to Proceed *in forma pauperis* [Docket 2] and Motion for Preliminary Injunction [Docket 5], **DISMISSES** Plaintiff's Complaint [Docket 1], and **DIRECTS** the Clerk to remove this matter from the Court's docket. Further, the Court **DIRECTS** the Clerk to send a copy of this Judgment Order to counsel of record, Plaintiff, *pro se*, and Magistrate Judge VanDervort.

ENTER: February 13, 2008



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE